

REMARKS

As a result of this Amendment, claims 1-5 and 7-11 are under active consideration in the subject patent application. A Request for Continuing Examination (RCE) application has been filed in conjunction with this response to the Final Official Action mailed on December 21, 2007. Please charge the RCE fee required under 37 CFR 1.17(e), namely \$810. 00, and any additional fees required, to Deposit Account No. 04-1679. The present Continuing Examination Application has been filed in response to the Final Official Action mailed on December 21, 2007. In the Final Action, the Examiner had:

- (1) acknowledged the Information Disclosure Statement submitted on April 8, 2005;
- (2) acknowledged the error with the inventor Bib data sheet and recognized Noriaki Okamura as the sole inventor of this application; and
- (3) rejected claims 1-5 and 7-9 under 35 U.S.C. §103(a) in view of a proposed combination of Japanese Patent No. JP2002-066141, issued to Kazuyoshi et al. (the "Kazuyoshi reference") and U.S. Patent No. 6,179,713, issued to James et al. (the "James reference").

Applicant appreciates the Examiner's correction of inventorship in this case, and entry of prior art references from the Information disclosure Statement submitted April 8, 2007. No further comment appears necessary.

Applicant has amended claims 1-2, and 7, and canceled claim 6. The changes to claims 1-2 and 7 help to more distinctly define the invention in view of the references

identified by the Examiner. Support for these changes may be found throughout the specification and drawings as filed. No new matter has been entered into the application as a result of these changes to the claims. New claims 10 and 11 have been added to clarify certain aspects of the invention related to determining the instructional meaning of the nouns, verbs, and modifiers from their contextual relationship within each sentence of said received e-mail so as to obtain instructional information related to advancing said story-line. Claims 1-5 and 7-11 are allowable over all of the references relied upon in this case for the following reasons.

Kazuyoshi discloses that a battle game is played by analyzing the contents of e-mail. In Kazuyoshi, sentence information in a received e-mail is analyzed by evaluating any one of feelings of joy and anger, kinds and numbers of Chinese characters used, numbers of continuous Chinese characters, length of a sentence, whether or not the e-mail has been read, respective usage rates of Hiragana, Katakana, Chinese characters and alphabets, numbers of specific sentence patterns, numbers of specific character patterns and numbers of specific words as standards for judgment through an e-mail sentence analysis portion 22. This analysis is quite different and distinct from the Applicant's invention in which, among other features, a state of the advance of a story-line of a game for each of a plurality of players is determined and acted upon determining the instructional meaning of the nouns, verbs, and modifiers from their contextual relationship within each sentence of a players e-mail to another player so as to obtain instructional information related to advancing said story-line. In other words, the meanings of the words forming the sentences of the e-mail, and their respective

contextual relationship to one another are interpreted and analyzed, not simply evaluated.

In other words, with the method of Kazuyoshi, the meanings of the words forming each sentence are not analyzed as to their contextual relationships, but rather a server determines formal parameters of the sentence, such as number of Chinese characters, length of the sentence, numbers of specific words and the like so as to use them as commands by adding a preordained, unvarying meaning to each word, without recourse to context or grammatical usage. Significantly, and unlike Applicant's invention, Kazuyoshi's device creates commands which do not completely relate to the original contents of the e-mail that are then executed as a part of the game. With such a structure, it is impossible to give concrete instructions to a character in the game with a sentence in an e-mail. Furthermore, Kazuyoshi does not teach how to prepare an email when a player gives an instruction to a character on the game. Accordingly, the teachings of Kazuyoshi are remote from the game according to the applicant's claimed invention wherein the game proceeds by giving instructions with an email by the player.

The foregoing deficiencies of the Kazuyoshi reference are not remedied by the proposed introduction of the teachings of the James reference. More particularly, the James reference discloses a computer game that is played over a public computer network and capable of accommodating a large number of players. Players are able to input moves and be apprised of the state of the game using the basic input/output functions of their Web browser. The game appears to be playable without other game related software, plug-ins or add-ons. A centralized server that is capable of receiving

moves that are transmitted over the network relates to a turn-based game where moves are received from a plurality of players and in which the move or moves of one player affect the status of another player. The centralized server has an address on the network that is determined prior to any players seeking to play the game. As a consequence (and unlike Applicant's invention) the players do not have to seek each other out to initiate a game. However, James, like Kazuyoshi, fails to teach or suggest any of the structural features listed in steps (A)-(E) of amended claim 1 or, for that matter the structures and steps recited in new claims 10 and 11.

In order for a *prima facie* case of obviousness to be established, there still must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, and the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2142 [emphasis added]. Nowhere within the four corners of either the Kazuyoshi or James reference, whether taken alone or in the proposed combination is there disclosure a vague suggestion of either providing corresponding word storing means for storing: (i) word information comprising words usable in said e-mail which has sentence contents for instructing a character in said game, and (ii) commands which correspond to said words usable in said e-mail, or determining the instructional meaning of the nouns, verbs, and modifiers from their contextual relationship within each sentence of said received e-mail so as to obtain instructional information related to advancing said story-line. Finally, even if James's structure is applied to the Kazusyoshi game machine, the combination

does not reach Applicant's claimed invention since an important point as to which information is distributed to the player is lacking from that combination.

In view of the foregoing, Applicant respectfully submit that claims 1-5 and 7-11 are in condition for allowance. Favorable reconsideration is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at 215-979-1255.

Respectfully Submitted,

Date: March 18, 2008

/Samuel W. Apicelli/
Samuel W. Apicelli
Registration No. 36,427
Customer No. 08933
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103-4196
Tel: 215-979-1255
swapicelli@duanemorris.com

DM2\1388788.1